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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/611,659

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Mohamed Al-Kaabi

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07/22/2005

HAHN LOESER & PARKS, LLP

One GOJO Plaza

Suite 300

AKRON, OH 44311-1076

EXAMINER

LE, MARK T

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,659

Applicant(s)

AL-KAABI ET AL.

Examiner

Mark T. Le

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9 and 11-49 is/are pending in the application.
- 4a) Of the above claim(s) 2, 9, 12-29, 36, 37, 39-41 and 43-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-8, 11, 30-35, 38, 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the amendments filed on June 13, 2005.

Applicant's amendments and remarks have been carefully considered.

2. On April 25, 2005, Mr. Minns, Mr. Bousfield and Examiner Le discussed the instant claimed invention in a telephone conference, specifically claims 1 and 7. In the conference, Applicant's representative argued that neither Weber nor Pileggi disclosed the features of the instant claimed invention, i.e. the instant claimed uneven number of railcar units. In response, the examiner indicated that a four unit railcar of Weber was readable as comprising an uneven number of three or an even number of four, as broadly recited in the instant claims, and the symmetrically arrangements of the articulated connectors, as broadly claimed, were considered to be met by articulated connectors 11 shown in Figure 1 of Weber. The examiner further indicated that members 5 and 6 of Webers, together, were also readable as a middle railcar unit. In response, Applicant's representative indicated that they would further review the claims and amend the same if necessary.

3. Claims 1, 3, 5, 7, 8, 11, 30-35, 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida (US 5,343,812) in view of Weber (US 3,399,631).

Ishida, Figure 2, shows a multi-unit articulated railroad car similar to that recited in the instant claims, including a number of car units that consists of an uneven number of units, articulated connectors that comprises male and female portions 14, 12, respectively; wherein, the articulated connectors are arranged symmetrically relative to

the transverse centerline of the railroad car. It is noted that Plager does not shows side bearing arms as recited in the instant claims.

Weber discloses articulated railway car having a plurality of units connected together by articulated connectors and included side bearing arms 73,74, 76,77, as shown in Figures 2 and 3.

In view of Weber, it would have been obvious to one skilled in the art to provide side bearing arms to the interconnected units of Ishida, in a manner similar to that taught by Weber, so as to control side sways of the car units.

Regarding the instant claimed distances between the side bearing arms, as recited in instant claims 33-35, it is noted that a wider the distance between the pair of side bearing arms 73,76 or 74,77 of Weber provides greater support against side swaying, but longer bearing arms are required to accommodate car travel about track curves; on the other hand, the opposites to the above are true for the shorter distance between the pair of side bearing arms. Accordingly, it would have been obvious to one skilled in the art to choose a distance, including the instant claimed distance, for use between the side bearing arms of Ishida, as modified in view of Weber, so as to achieve a desired balance between the swaying factor and the feaseable side bearing arm length.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Pileggi (US 5,207,161).

Regarding the car unit having a well for accommodating intermodal cargos, consider the car units of Pileggi. In view of Pileggi, it would have been obvious to one

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skilled in the art to configure the car units of Ishida as well car units, similar to that taught by Pileggi, so as to allow accommodation of intermodal cargos.

5. Applicant's arguments have been considered but are deemed moot in view of the above new grounds of rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

mle
7/16/05